

An. Code, 1924, sec. 319. 1912, sec. 286. 1904, ch. 262. 1888, sec. 157. 1809, ch. 138, sec. 6. 1868, ch. 214. 1933 (Special Sess.), ch. 78, sec. 319.

388. If any person shall steal, take or carry away personal goods of another under the value of twenty-five dollars and being thereof convicted he shall be deemed guilty of a misdemeanor, and shall restore the goods and chattels so stolen or pay the full value thereof to the owner thereof, and be fined not more than fifty dollars or imprisoned for not more than eighteen months in the House of Correction or jail, or both fined and imprisoned; provided that all actions or prosecutions hereunder shall be commenced within two years after the commission of said offense.

All prosecutions for violations of the provisions of this section may be either upon presentment and indictment in any court having criminal jurisdiction in this State, or by trial before any justice of the peace in and for the county where the offense occurs (but not applicable to the justices of the peace in and for Baltimore City, who have no such power or jurisdiction conferred upon them by virtue of sections 387, 388 and 389), and jurisdiction original and concurrent with the said courts having criminal jurisdiction is hereby given to the said justices of the peace (excluding the justices of the peace in Baltimore City), and they shall have power to issue all processes and do all acts which may be necessary for the exercise of said jurisdiction; and may try and determine all such cases and may pronounce judgment and impose sentence therein to the same extent as the aforesaid courts having criminal jurisdiction could do in such cases, if such cases were tried before such court without a jury; provided, however, that if any person when brought before any such justice having jurisdiction of the case, shall, before the trial for the alleged offense, pray a jury trial, or if the State's Attorney for the county where the offense occurs shall, before the trial of such alleged offense, pray a jury trial on behalf of the State, it shall be the duty of such justice to commit such alleged offender for trial, or to hold him to bail to appear for trial in the court having criminal jurisdiction in the case, at its then or next session, and to transmit said commitment or recognizance, with the names and residences of the witnesses for the prosecution endorsed thereon, forthwith to the Clerk of such Court; and the justice of the peace, before whom the accused is brought for trial, shall inform him seasonably of his right to demand a trial by jury.

Provided further that jurisdiction to try and determine all cases under Sections 387, 388 and 389, occurring within the City of Baltimore, shall remain in the Criminal Court of Baltimore City exclusively.

Provided further that nothing in these sections shall be construed to change, enlarge or diminish the jurisdiction of Justices of the Peace in any of the Counties of the State who are herein specifically vested with authority to hear, try and determine cases under Section 388 of this Article, but that only such Justices are vested with authority herein as would have jurisdiction and authority to hear, try and determine cases of violation of the law before December 15, 1933.

Indictment charging that defendant "feloniously" stole tobacco of value of \$10, invalid, as larceny of goods under value of \$25. is misdemeanor. *Whittington v. State*, 173 Md. 387.

Indictment charging that defendant feloniously and burglariously entered dwelling with intent to steal without stating intent to steal articles of \$25. or more not defective. *State v. Wiley*, 173 Md. 119.

The statutory offense of petit larceny cannot be classed with misdemeanors. This section referred to in holding art. 52, sec. 13 (as it stood prior to act, 1906, ch. 475), invalid in part. *Danner v. State*, 89 Md. 224. And see *Baum v. Warden*, 110 Md. 584.

See notes to sec. 387.